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LOK SABHA

The following Bills were introduced in Lok Sabha on the 21st February, 1958:—

BILL No. 104 OF 1957

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called The Code of Criminal Procedure (Amendment) Act, 1957. Short title.

Vof1898.

2. In section 207A of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act),— Amendment of section 207A.

- (a) (i) in sub-section (4) after the words "shall then proceed to take the evidence" the words "of one or more", shall be inserted.
- (ii) for the words "as may be produced" the words "as shall be produced" shall be substituted;
- (b) in sub-section (6) after the words, brackets and figure "when the evidence referred to in sub-section (4)" the words "which the prosecution is bound to produce" shall be inserted.

3. In section 437 of the principal Act,—

- (i) after the words "an accused person has been improperly discharged by the inferior Court" the following shall be inserted, namely:—

Amendment of section 437.

"Or an accused person, without being committed to the Court of Session, has been wrongly proceeded with by the committing Magistrate under sub-section (6) of section 207A or sub-section (1) of section 209"; and

- (ii) after the words "order him to be committed for trial upon the matter" the words "on which he ought to have been committed or" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

There has been a conflict of opinion in respect of the interpretation of section 207A of the Code of Criminal Procedure, 1898 as to the discretion to the prosecution with regard to the production of the evidence and procedure of commitment in relation thereto.

2. The object of the Bill is, therefore, to amend section 207A of the Code of Criminal Procedure, 1898 so that the prosecution should prove a *prima facie* case by some evidence and an accused person should have a chance to prove his innocence before commitment by a Magistrate.

3. There has also been a conflict of opinion in respect of the interpretation of section 437 of the Act. The Bill seeks to amend section 437 of the Act so that it may cover the provisions of sub-section (6) of section 207A and sub-section (1) of section 209 of the Code of Criminal Procedure, 1898.

V. S. NALDURGKER.

NEW DELHI;

The 25th November, 1957.

BILL No. 4 OF 1958

A Bill to put a restraint on marriage in old age.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Old Age Marriage Restraint Act, 1958 .

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definition.

‘Old Age marriage’ means such marriages as are solemnized between a bridegroom of the age of 50 years or more with brides of the age of 20 years or less.

3. In every district, it shall be the responsibility of the Collector to see that such a marriage does not take place in the district.

Responsi-
bility of the
Collector to
prevent old-
age marriage.

4. In respect of age under dispute, the certificate of a Civil Surgeon shall be considered final.

Age certi-
cate in case
of dispute.

5. Any person who procures old-age marriage for himself shall be punishable with imprisonment of one year and with a fine of one thousand rupees.

Punishment
for procuring
old-age
marriage.

6. Any person abetting in the performance of such a marriage shall be punishable with imprisonment of one year and with a fine of one thousand rupees.

Punishment
for abetting
old-age
marriage.

STATEMENT OF OBJECTS AND REASONS

There are several instances where rich persons after crossing the age of 50 years marry young girls of 20 years age or sometimes even younger. Such aged people after marriage generally die soon leaving behind young widows. The object of the Bill is to put an end to such old-age marriages.

MOHAN SWARUP.

NEW DELHI;
The 2nd December, 1957.

M. N. KAUL,
Secretary.